



MINUTES  
**Planning Commission**  
**May 4, 2023 7:00 pm**  
Virtual Meeting

The Planning Commission (PC) of the City of Annapolis held its regularly scheduled public meeting on May 4, 2023 as a virtual public meeting. **Chair** Pline called the meeting to order at 7:00 pm.

**Commission Members**

**Present:**

**Chair Alex Pline, Vice Chair Teresa Pico,**  
Robert Waldman, Ben Sale, David Iams,  
Tom Sfakiyanudis

**Commissioners Absent:**

Diane Butler

**Staff Present:**

Tom Smith, Chief of Current Planning, Eric  
Leshinsky, Chief of Comprehensive  
Planning, Mark "Tripp" Fulton, Assistant City  
Attorney

**Others Present:**

David Jarrell, Director, Department of Public  
Works, Lisa Bell, Counsel to the Board

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

After the Commissioners discussed the time allotments needed for items on this agenda, Mr. Waldman moved to postpone the Public Hearing for O-15-23 until the next meeting. Mr. Iams seconded the motion. The motion passed 6-0.

Mr. Waldman moved to approve the agenda as amended. Mr. Iams seconded the motion. The motion passed 6-0.

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## **D. APPROVAL OF MINUTES**

### **1. March 16, 2023 DRAFT**

.Mr. Iams moved to approve the minutes of the March 16, 2023 meeting as written. **Vice Chair** Pico seconded the motion. The motion passed 6-0.

## **E. PUBLIC HEARINGS**

1. PD2022-001 – Special Mixed Planned Development, Preliminary Record Plat and Preliminary Forest Conservation Plan, containing 58 affordable dwelling units and business incubator space, known as The Willows at Forest Drive. Request by Annapolis Realty Partners, LLC; MBID of Delaware, LLC and American Legion Dept. of MD #141. The property is located at 1702 & 1707 Forest Drive. Project File No.: PD2022-001. *CONTINUED TO MAY 18, 2023.*

Mr. Smith introduced the project in brief. The project includes 58 affordable dwelling units and business incubator space, numerous amenities, a relief road, "Skipper's Lane" along the southeast portion of the property parallel to Forest Drive. With the American Legion parcel, a veterans garden is also proposed.

As required by Code, the Department of Planning and Zoning shall also hold a public meeting on the Preliminary Forest Conservation Plan and therefore, this meeting serves that dual purpose. The Preliminary Forest Conservation Plan has been reviewed, and it was found that the majority of the site is vacant. There is an area adjacent to Newtown Drive, known as parcel B, that the Department is requesting be put into Forest Conservation Easement. The Applicant is proposing a number of street trees, which will meet the planting requirements. There is an area of non-tidal wetlands along the southeast boundary, i.e., Forest Drive Stand B, a priority forest for which a variance would be required for disturbance. The Department concurs that a variance would be supported due to the previously-established planned location of Skippers Lane. Two significant trees were noted on the property – one large oak which is in heavy decline and second, 27" trunk diameter white oak which is in fair condition. Neither of these trees would require a variance.

Terry Schuman, Engineer, made a presentation of the Site Plan, the parcels involved, the planned location of each building and proposed connectivity and landscaping buffering for the American Legion property. The property consists of 5.6 acres, with 0.75 acres dedicated to Skippers Lane, and is split zoned as R2 and R3. The project is not situated within the Chesapeake Bay Critical Area. There are two forested areas

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involved, and three specimen trees have been identified; two of those will require variance approval. Adequate Public Facilities approval has been achieved, with mitigation required only in the area of police ratio and response time. Two wetland areas will be disturbed; however, Forest Conservation requirements and stormwater management requirements are met.

Ken Wallis, Engineer, answered the Commissioners' questions about the size of the specimen trees, the areas of disturbance, the location of the existing force main and ways to protect the tree roots.

Elizabeth Kim, Consultant for the Applicant, made a presentation of the architectural plans and description of the materials.

Mr. Smith followed up by addressing some of the conditions listed in the Staff Report specific to this project, including affordability, parking layout alternatives, and the Deed of Conservation Easement on parcel B. The City encourages approval of this project because it provides much needed affordable housing.

The Commissioners asked questions about the effectiveness of landscaping as sound and vision buffers and how this would be achieved, shared parking and pedestrian access between the residential area and the American Legion, the timing of transfer of parcel B and construction of the Heroes Garden, emergency access via Skippers Lane and Forest Drive, accepted recreation facilities as related to fees in lieu, and the width of sidewalks, bike lanes and green spaces along Skippers Lane.

There were no members of the public wishing to testify.

The hearing on this project will continue at the May 18, 2023 meeting.

**Chair Pline** admitted the following Applicant exhibits into the record

EXHIBIT NUMBER	EXHIBIT
<b>A.1</b>	Application packet Tab 1, Aerial view
<b>A.2</b>	Tab 2, Major Site Design Plan Review App 8/25/22
<b>A.3</b>	Tab 3, The Willows Affidavit of Posting
<b>A.4</b>	Tab 4, The Willows Site Design Standards
<b>A.5</b>	Tab 5, SMPD Statement
<b>A.6</b>	Tab 6, City of Annapolis Comprehensive Plan
<b>A.7</b>	Tab 7, The Willows TIA dated September 2021
<b>A.8</b>	Tab 8, Gardens for Heroes Proposal
<b>A.9</b>	Tab 9, WLAN Site Study Update dated 9/30/22
<b>A.10</b>	Tab 10, Site Plan & Architectural Design

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<b>A.11</b>	Tab 11, Stormwater Management Report dated 11/16/22
<b>A.12</b>	Tab 12, Final Parking Alternatives Request
<b>A.13</b>	Tab 13, APF Report Rev December 2022
<b>A.14</b>	Tab 14, Rev 1, Park & Rec APF dated 11/1/22
<b>A.15</b>	Tab 15, Rev 1, Fire APF dated 11/1/22
<b>A.16</b>	Tab 16, AFP Police dated 4/10/23
<b>A.17</b>	Tab 17, DOT TIA dated 10/4/21
<b>A.18</b>	Tab 18, WLAN Architecturals, Schematics
<b>A.19</b>	Tab 19, Plans (27 pages)
<b>A.20</b>	Tab 20, The Willows & Legion Subdivision
<b>A.21</b>	Tab 21, The Willows & Legion FSD and FCP
<b>A.22</b>	Vicinity Map
<b>A.23</b>	Wetlands Report dated 11/22/21 (22 pages)
<b>A.24</b>	Low Income Housing Tax Credit Covenant (13 pages)
<b>A.25</b>	Tree Variance Request dated 1/25/22
<b>A.26</b>	Compliance w/Site Design Plan Review Standards (18 pages)
<b>A.27</b>	APF Report dated 1/25/22 (22 pages)
<b>A.28</b>	Architecturals w/Business Incubator App Sub (17 pages)
<b>A.29</b>	Forest Conservation Approval Application
<b>A.30</b>	Forest Justification dated 1/25/22
<b>A.31</b>	FSD Report dated 11/29/21 (24 pages)
<b>A.32</b>	Persons of Interest list
<b>A.33</b>	Planned Development Application
<b>A.34</b>	SMPD Statement
<b>A.35</b>	Stormwater Management Report dated 1/25/22
<b>A.36</b>	Special Mixed Planned Development Plans (28 pages)
<b>A.37</b>	Riders Glen Approved FSD (2 pages)
<b>A.38</b>	Riders Glen FSD Report (13 pages)

**Chair Pline** admitted the following staff exhibits into the record

<b>EXHIBIT NUMBER</b>	<b>EXHIBIT</b>
<b>C.1</b>	Staff Report dated 4/28/23
<b>C.2</b>	Recreation & Parks APF dated 5/6/22
<b>C.3</b>	Recreation & Parks APF dated 10/18/22
<b>C.4</b>	Police APF dated 5/8/22
<b>C.5</b>	Traffic Impact Study September 2021 (33 pages)
<b>C.6</b>	APF Certificate Application
<b>C.7</b>	The Willows Comprehensive Plan Comments 6/10/22
<b>C.8</b>	Fire APF dated 11/1/22
<b>C.9</b>	DOT Traffic Impacts Rev dated 12/7/22
<b>C.10</b>	APF Certificate & Mitigation dated 4/28/23

**Chair Pline** admitted the following Public Comment exhibits into the record.

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EXHIBIT NUMBER	NAME	ADDRESS	EXHIBIT
T.1	Michael Blonder	112 Main Street	Email 4/29/23

2. O-14-23 - Capital Improvement Plans FY2024. The Capital Budget for the fiscal year ending June 30, 2024, the Capital Improvement Program for the fiscal years ending June 30, 2025, June 30, 2026, June 30, 2027, June 30, 2028, and June 30, 2029.

*CONTINUED TO MAY 18, 2023.*

David Jarrell, Director of the Department of Public Works, made a presentation detailing the projects to be funded in FY2024 from the General Fund Account. These projects include the continuation of many begun in previous years, and the following new projects to begin in FY2024:

- Acton Cove Park
- Solar Park Pollinator Garden
- Public Water Access Improvements
- College Creek Connector
- Duke of Gloucester Pier
- Waterfront Access Infrastructure
- Gibraltar Avenue Improvements
- Parks Maintenance Facility
- Traffic Safety Improvements
- Spa Road Sidewalks
- Waterworks Building Improvements
- Parking Garage & Lot Improvements
- Transportation Charging Infrastructure

**Chair** Pline declared the public hearing open at 9:38 pm.

No public comments have been received, and no members of the public wished to testify.

The hearing on this item will be continued at the May 18, 2023 meeting.

#### **F. UNFINISHED BUSINESS**

The Commissioners discussed extension of the due date for the Order and Opinion for SDP2022-003, 161 West Street.

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Mr. Sale moved to extend by 30 days the approval of the Findings. **Vice Chair** Pico seconded the motion.

In discussion, the Commissioners agreed that having a minimum of 24 hours to review the draft from counsel in advance of the vote to approve in public hearing would be the best practice.

Mr. Sale withdrew the motion on the floor.

Mr. Waldman moved to postpone the deliberation on Findings for 161 West Street until the Commission's next meeting, and for the Chair to submit a letter to counsel in the meantime requesting 24 hours in advance of the meeting to review the draft. Mr. Sale seconded the motion. The motion passed 5-0 (**Chair** Pline opposed).

#### **G. NEW BUSINESS**

None.

#### **H. COMMUNICATIONS**

**Chair** Pline provided an update on the Order and Opinion for The Village at Providence Point project. The original Order was issued on March 31, 2022. Subsequently, an order from the Circuit Court vacated certain elements, and remanded the matter back to the Planning Commission. On April 26, 2023, the Commission issued a Supplemental Order in response to the Circuit Court.

Having reviewed all evidence and testimony on the record, the Commission concluded that the evidence before the Commission satisfies the Variance criteria under the Code and therefore, reaffirmed its approval of the Variance. **Chair** Pline will circulate the signed final Opinion among the Commissioners.

#### **I. ADJOURNMENT**

With there being no further business before the Commission, Mr. Sale moved to adjourn. Mr. Waldman seconded the motion. The motion passed 6-0 and the meeting adjourned at 9:56 pm.

The next meeting of the Planning Commission is scheduled for May 18, 2023 at 7:00 pm as a virtual public meeting.

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Kimberly Consoli, Recorder

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